

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Alphonso McDuffy,
Plaintiff,

v.

Tow Mate Towing LLC, et al.,
Defendants.

No. CV-22-00304-PHX-SMM (ASB)

ORDER

This matter was assigned to Magistrate Judge Alison S. Bachus. (Doc. 36). On October 10, 2023, the Magistrate Judge filed a Report and Recommendation with this Court.¹ (Doc. 44). To date, no objections have been filed.

STANDARD OF REVIEW

The Court “may accept, reject, or modify, in whole or in part, the findings or

¹ This case is assigned to a Magistrate Judge. However, not all parties have consented to the jurisdiction of the Magistrate Judge. Thus, the matter is before this Court pursuant to General Order 21-25, which states in relevant part:

When a United States Magistrate Judge to whom a civil action has been assigned pursuant to Local Rule 3.7(a)(1) considers dismissal to be appropriate but lacks the jurisdiction to do so under 28 U.S.C. § 636(c)(1) due to incomplete status of election by the parties to consent or not consent to the full authority of the Magistrate Judge,

IT IS ORDERED that the Magistrate Judge will prepare a Report and Recommendation for the Chief United States District Judge or designee.

IT IS FURTHER ORDERED designating the following District Court Judges to review and, if deemed suitable, to sign the order of dismissal on my behalf:

Phoenix/Prescott: Senior United States District Judge Stephen M. McNamee

1 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1)(C); see Baxter v.
 2 Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991). Parties have fourteen days from the service
 3 of a copy of the Magistrate’s recommendation within which to file specific written
 4 objections to the Court. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72. Failure to object to a
 5 Magistrate Judge’s recommendation relieves the Court of conducting *de novo* review of
 6 the Magistrate Judge’s factual findings and waives all objections to those findings on
 7 appeal. See Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998). A failure to object to a
 8 Magistrate Judge’s conclusion “is a factor to be weighed in considering the propriety of
 9 finding waiver of an issue on appeal.” Id.

10 DISCUSSION

11 Having reviewed the Report and Recommendation of the Magistrate Judge, and no
 12 Objections having been made by any party thereto, the Court hereby incorporates and
 13 adopts the Magistrate Judge’s Report and Recommendation.

14 CONCLUSION

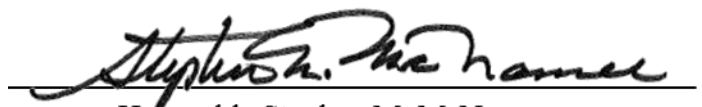
15 Accordingly, for the reasons set forth,

16 **IT IS ORDERED adopting** the Report and Recommendation of the Magistrate
 17 Judge. (Doc. 44).

18 **IT IS FURTHER ORDERED granting** Plaintiff’s Motion for Attorney’s Fees.
 19 (Doc. 40).

20 **IT IS FURTHER ORDERED awarding** Plaintiff \$9,555.00 in attorney’s fees and
 21 \$824.00 in costs, for a total of \$10,379.00. This award excludes a total of 4.3 total hours in
 22 attorney’s fees and \$2,000 in “anticipated” post-judgment fees. This award is in addition
 23 to the statutory damages previously awarded by the Court in Doc. 42.

24 Dated this 30th day of October, 2023.

25
 26 

Honorable Stephen M. McNamee
 Senior United States District Judge